

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM GARY PARRIS,)
)
Petitioner,)
)
vs.) NO. CIV-18-0722-HE
)
JASON BRYANT,)
)
Respondent.)

ORDER

Petitioner William Gary Parris, a state prisoner appearing *pro se*, filed this action pursuant to 28 U.S.C. § 2254 seeking habeas relief. The matter was referred for initial proceedings to Magistrate Judge Bernard M. Jones consistent with 28 U.S.C. 636(b)(1)(B), (C). He has recommended that the action be transferred to the United States District Court for the Northern District of Oklahoma, where jurisdiction also exists because petitioner is challenging numerous convictions obtained in Tulsa County District Court, which is in that judicial district. 28 U.S.C. § 116(a).¹

The magistrate judge noted in his Report that the court has discretion to transfer the petition for hearing and determination to the Northern District, which has concurrent jurisdiction over the habeas petition. *See* 28 U.S.C. § 241(d). He also noted that not only should relevant records and officials be located in the judicial district where the petitioner

¹ Petitioner is presently incarcerated at the James Crabtree Correctional Center in Helena, Oklahoma, which is within the territorial jurisdiction of the Western District of Oklahoma. 28 U.S.C. § 116(c).

was tried and convicted but that, if a hearing is required, trial counsel and witnesses should be more readily available there.

Petitioner failed to respond to the Report and Recommendation. He thereby waived his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C).

Accordingly, the court adopts Magistrate Judge Jones's Report and Recommendation. Exercising its discretion, the court **TRANSFERS** this case in the furtherance of justice to the Northern District of Oklahoma for all further proceedings. 28 U.S.C. §2241(d).

IT IS SO ORDERED.

Dated this 27th day of August, 2018.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE